



Endangered Species Fact Sheet

Bald Eagle

Other Protections if Delisted

The Bald and Golden Eagle Protection Act

The bald eagle will continue to be protected by the Bald and Golden Eagle Protection Act if it is delisted under the Endangered Species Act. This law, originally passed in 1940, provides for the protection of the bald eagle and the golden eagle (as amended in 1962) by prohibiting the take, possession, sale, purchase, barter, offer to sell, purchase or barter, transport, export or import, of any bald or golden eagle, alive or dead, including any part, nest, or egg, unless allowed by permit (16U.S.C 668(a); 50 CFR 22). "Take" includes pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb (16U.S.C. 688(c); 50 CFR 22.3). The 1972 amendments increased civil penalties for violating provisions of the Act to a maximum fine of \$5,000 or one year imprisonment with \$10,000 or not more than two years in prison for a second conviction. Felony convictions carry a maximum fine of \$250,000 or two years of imprisonment. The fine doubles for an organization. Rewards are provided for information leading to arrest and conviction for violation of the Act.

The Lacey Act

Protections provided by The Lacey Act will continue if the bald eagle is delisted. This law, passed in 1900, protects bald eagles by making it a Federal offense to take, possess, transport, sell, import, or export their nests, eggs and parts that are taken in violation of any state, tribal or U.S. law. It also prohibits false records, labels, or identification of wildlife shipped, prohibits importation of injurious species and prohibits shipment of fish or wildlife in an inhumane manner. Penalties include a maximum of five years and \$250,000 fine for felony convictions and a maximum \$10,000 fine for civil violations and \$250 for marking violations. Fines double for organizations. Rewards are provided for information leading to arrest and conviction for violation of the Act.

The Migratory Bird Treaty Act

The Migratory Bird Treaty Act is a federal law that carries out the United States' commitment to four international conventions with Canada, Japan, Mexico and Russia. Those conventions protect birds that migrate across international borders.

The take of all migratory birds, including bald eagles, is governed by the Migratory Bird Treaty Act's regulations. The Migratory Bird Treaty Act (MBTA) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests except as authorized under a valid permit (50 CFR 21.11).

The Migratory Bird Treaty Act (cont'd.)

Additionally, the MBTA authorizes and directs the Secretary of the Interior to determine if, and by what means, the take of migratory birds should be allowed and to adopt suitable regulations permitting and governing take (for example hunting seasons for ducks and geese).

Penalties under the MBTA include a maximum of two years imprisonment and \$250,000 fine for a felony conviction and six months imprisonment or \$5,000 fine for a misdemeanor conviction. Fines double if the violator is an organization rather than an individual. The MBTA and its implementing regulations provide authority for the conservation of bald eagles and protect against take if the Endangered Species Act protections are removed.